

### **REMARKS/ARGUMENTS**

This is in response to the Office Action mailed September 26, 2003. Claims 7-10 and 26 have been cancelled. Claims 1, 4-6, and 27-49 are currently pending and at issue.

#### **Double Patenting**

#### **Statutory Rejection**

Claims 7-10 were rejected under 35 USC 101 as claiming the same invention as that of claims 6-9 of prior U.S. Patent No. 6,384,087 (Zemel '087). For purposes of expediting allowance of the patent application, claims 7-10 have been canceled, without prejudice or disclaimer of any subject matter contained therein. In particular, Applicants retain the rights to file divisional and/or continuation applications directed to any cancelled subject matter.

#### **Non-statutory Rejection**

Claims 1, 4- 6, and 26-41 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of prior U.S. Patent No. 6384,087. Pursuant to the Examiner's suggestion, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c), to overcome the rejection.

#### **Claim Rejections - 35 U.S.C. §112, second paragraph**

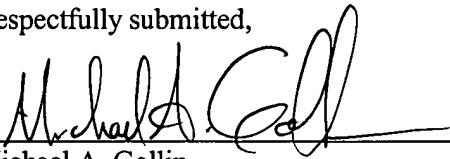
Claim 26 was rejected under 35 U.S.C. §112, second paragraph, as being duplicative of claim 6. Claim 26 has been cancelled.

Applicants respectfully submit that their application is now in condition for allowance.

Should any questions remain, please contact the undersigned.

Date: December 2, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Gollin", written over a horizontal line.

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